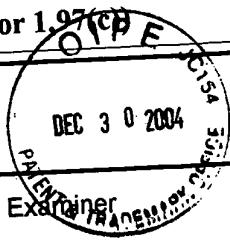


DF

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT (Under 37 CFR 1.97(b) or 1.97(c))	Docket No. 15634 (PC25246A)
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In Re Application Of: **Paul J. Dominowski, et al.**



Application No. 10/647,919	Filing Date August 26, 2003	Examiner Unassigned	Customer No. 23389	Group Art Unit 1614	Confirmation No. 2440
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Title:
CATTLE REPRODUCTIVE DISEASE VACCINES

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

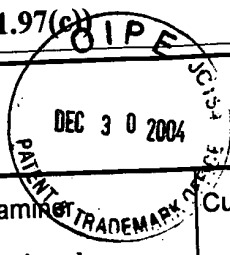
OR

☐ the fee set forth in 37 CFR 1.17(p).

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
15634 (PC25246A)

In Re Application: Paul J. Dominowski, et al.



Application No.	Filing Date	Examining Unassigned	Customer No.	Group Art Unit	Confirmation No.
10/647,919	August 26, 2003		23389	1614	2440

Title:

CATTLE REPRODUCTIVE DISEASE VACCINES

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 19-1013/SSMP as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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December 28, 2004
(Date)

Signature of Person Mailing Correspondence

Peter I. Bernstein

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account.

Signature

Dated: December 28, 2004

Peter I. Bernstein
Registration No. 43,497
Scully, Scott, Murphy & Presser
400 Garden City Plaza-Suite 300
Garden City, New York 11530
516-742-4343

PIB:dg

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul J. Dominowski, et al.

Examiner: Unassigned

Serial No: 10/647,919

Art Unit: 1614

Filed: August 26, 2003

Docket: 15634 (PC25246A)

For: CATTLE REPRODUCTIVE
DISEASE VACCINES

Dated: December 28, 2004

Confirmation No.: 2440

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

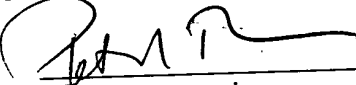
In accordance with 37 C.F.R. §§ 1.97 and 1.98, it is requested that the following references, which are also listed on the attached Form PTO-1449, be made of record in the above-identified case.

1. Coggins L. et al., "Attenuation of Virus Diarrhea Virus (Strain Oregon C24V) for Vaccine Purposes", *Veterinary Virus Research Institute* 539-545 (1961);
2. United States Patent No. 3,634,587, dated January 11, 1972 to Ament et al.;
3. Kolar J.R. et al., "Use in Cattle of Formalin-Killed Polyvalent Vaccine with Adjuvant Against Infectious Bovine Rhinotracheitis, Bovine Viral Diarrhea, and Parainfluenza-3 Viruses", *Am. J. Vet. Res.* 33(7):1415-1420 (1972);

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on December 28, 2004.

Dated: December 28, 2004


Peter I. Bernstein

4. Fernelius A.L. et al., "Evaluation of β -Propiolactone-Inactivated-and Chloroform-Treated-Virus Vaccines Against Bovine Viral Diarrhea-Mucosal Disease", *Am. J. Vet. Res.* 33(7):1421-1431 (1972);
5. Phillips R.M. et al., "Evaluation of a Bovine Viral Diarrhea Vaccine Produced in a Porcine Kidney Cell Line", *Am. J. Vet. Res.* 36(2):135-140 (1975);
6. McClurkin A.W. et al., "Selected Isolates of Bovine Viral Diarrhea (BVD) Virus Propagated on Bovine Turbinate Cells: Virus Titer and Soluble Antigen Production as Factors in Immunogenicity of Killed BVD Virus", *Archives of Virology* 58:119-125 (1978);
7. Lobmann M. et al., "Clinical Evaluation of a Temperature-Sensitive Bovine Viral Diarrhea Vaccine Strain", *Am. J. Vet. Res.* 45(12):2498-2503 (1984);
8. Lobmann M. et al., "Safety of a Temperature-Sensitive Vaccine Strain of Bovine Viral Diarrhea Virus in Pregnant Cows", *Am J. Vet Res* 47(3):557-560 (1986);
9. Donis R.O. et al., "Differences in Virus-Induced Polypeptides in Cells Infected by Cytopathic and Noncytopathic Biotypes of Bovine Virus Diarrhea-Mucosal Disease Virus", *Virology* 158:168-173 (1987);
10. Talens L.T. et al., "Efficacy of Viral Components of a Nonabortogenic Combination Vaccine for Prevention of Respiratory and Reproductive System Diseases in Cattle", *JAVMA* 194(9):1273-1280 (1989);
11. Corapi W.V. et al., "Characterization of a Panel of Monoclonal Antibodies and Their Use in the Study of the Antigenic Diversity of Bovine Viral Diarrhea Virus", *Am. J. Vet. Res.* 51(9):1388-1394 (1990);
12. Howard C.J. et al., "Immunity of Bovine Virus Diarrhoea Virus in Calves: The Role of Different T-Cell Subpopulations Analysed by Specific Depletion In Vivo with Monoclonal Antibodies", *Veterinary Immunology and Immunopathology* 32:303-314 (1992);
13. Larsson B. et al., "Bovine Virus Diarrhoea Virus Induces In Vitro a Proliferative Response of Peripheral Blood Mononuclear Cells from Cattle Immunized by Infection", *Veterinary Microbiology* 31:317-325 (1992);
14. Baker J.C. et al., "Bovine Viral Diarrhea Virus", *The Veterinary Clinics of North America-Food Animal Practice* 11(3):615-625 (1995);
15. European Patent Application No. 0 661 059 B1, published July 5, 1995;

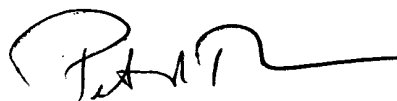
16. Fulton R.W. et al., "Antibody Responses by Cattle after Vaccination with Commercial Viral Vaccines Containing Bovine Herpesvirus-1, Bovine Viral Diarrhea Virus, Parainfluenza-3 Virus, and Bovine Respiratory Syncytial Virus Immunogens and Subsequent Revaccination at Day 140", *Vaccine* 13(8):725-733 (1995);
17. Cortese V.S. et al., "BVD Virus Transmission Following Attenuated Vaccines to BVDV Seronegative Cattle", *Large Animal Practice* 18(5):18-24 (1997);
18. Lambot M. et al., "Characterization of the Immune Response of Cattle Against Non-Cytopathic and Cytopathic Biotypes of Bovine Viral Diarrhoea Virus", *Journal of General Virology* 78:1041-1047 (1997);
19. Beer M. et al., "Cytotoxic T-Lymphocyte Responses in Cattle Infected with Bovine Viral Diarrhea Virus", *Veterinary Microbiology* 58:9-22 (1997);
20. United States Patent No. 5,733,555, dated March 31, 1998 to Chu;
21. Flores E.F. et al., "Clinical, Pathological and Antigenic Aspects of Bovine Viral Diarrhea Virus (BVDV) Type 2 Isolates Identified in Brazil", *Veterinary Microbiology* 77:175-183 (2000);
22. Beer M. et al., "A New Inactivated BVDV Genotype I and II Vaccine an Immunisation and Challenge Study with BVDV Genotype I", *Veterinary Microbiology* 77:195-208 (2000);
23. Fulton R.W. et al., "Bovine Viral Diarrhea Virus Types 1 and 2 Antibody Response in Calves Receiving Modified Live Virus or Inactivated Vaccines", *Vaccine* 19(2-3):264-274 (2001);
24. United States Patent No. 6,291,228 B1, dated September 18, 2001 to Howard et al.; and
25. "Invest Early in CattleMaster® 4 Vaccine to Get the Highest Rate of Return", *Internet Article* 1-2 (2002).

References 2, 10, 16-17, 23 and 25 were cited in the Search Report dated March 12, 2003 received from the European Patent Office. Applicants are submitting a copy of the Search Report. The relevance of reference nos. 2, 10, 16-17, 23 and 25 has been described in the Search Report. The relevance of reference nos. 1, 3, 4-9, 11-14, 18-19 and 22 has been described in the specification.

In accordance with the waiver of 37 C.F.R. § 1.98 (a)(2)(i) in effect as of June 30, 2003, applicants are not required to submit copies of the above-cited U.S. Patents. All other references are enclosed.

Inasmuch as this Information Disclosure Statement is being submitted in accordance with the schedule set out in 37 C.F.R. § 1.97(b), no statement or fee is required.

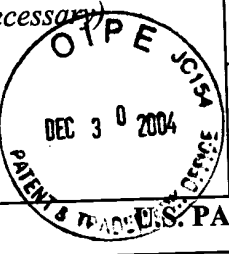
Respectfully submitted,



Peter I. Bernstein
Registration No.: 43,497

Scully, Scott, Murphy & Presser
400 Garden City Plaza-Suite 300
Garden City, New York 11530
(516) 742-4343

PIB:dg

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (REV. 7-80) PATENT AND TRADEMARK OFFICE LIST OF PRIOR ART CITED BY APPLICANT <i>(Use several sheets if necessary)</i>		Atty. Docket No. (Optional) 15634 (PC25246A)		Application Number 10/647,919				
								
Applicant(s) Paul J. Dominowski, et al.								
Filing Date August 26, 2003				Group Art Unit 1614				
U.S. PATENT DOCUMENTS								
EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)	
	AA	3,634,587	1/11/72	Ament et al.				
	AB	5,733,555	3/31/98	Chu				
	AC	6,291,228 B1	9/18/01	Howard et al.				
U.S. PATENT APPLICATION PUBLICATIONS								
EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (if appropriate)	
	AA							
	AB							
	AC							
FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		0 661 059 B1	7/5/95	Europe			√	
OTHER DOCUMENTS <i>(Including Author, Title, Date, Pertinent Pages, Etc.)</i>								
		Coggins L. et al., "Attenuation of Virus Diarrhea Virus (Strain Oregon C24V) for Vaccine Purposes", <i>Veterinary Virus Research Institute</i> 539-545 (1961)						
		Kolar J.R. et al., "Use in Cattle of Formalin-Killed Polyvalent Vaccine with Adjuvant Against Infectious Bovine Rhinotracheitis, Bovine Viral Diarrhea, and Parainfluenza-3 Viruses", <i>Am. J. Vet. Res.</i> 33(7):1415-1420 (1972)						
EXAMINER				DATE CONSIDERED				
* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								

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		Phillips R.M. et al., "Evaluation of a Bovine Viral Diarrhea Vaccine Produced in a Porcine Kidney Cell Line", <i>Am. J. Vet. Res.</i> 36(2):135-140 (1975)	
		McClurkin A.W. et al., "Selected Isolates of Bovine Viral Diarrhea (BVD) Virus Propagated on Bovine Turbinate Cells: Virus Titer and Soluble Antigen Production as Factors in Immunogenicity of Killed BVD Virus", <i>Archives of Virology</i> 58:119-125 (1978)	
		Lobmann M. et al., "Clinical Evaluation of a Temperature-Sensitive Bovine Viral Diarrhea Vaccine Strain", <i>Am. J. Vet. Res.</i> 45(12):2498-2503 (1984)	
		Lobmann M. et al., "Safety of a Temperature-Sensitive Vaccine Strain of Bovine Viral Diarrhea Virus in Pregnant Cows", <i>Am J. Vet Res</i> 47(3):557-560 (1986)	
		Donis R.O. et al., "Differences in Virus-Induced Polypeptides in Cells Infected by Cytopathic and Noncytopathic Biotypes of Bovine Virus Diarrhea-Mucosal Disease Virus", <i>Virology</i> 158:168-173 (1987)	
		Talens L.T. et al, "Efficacy of Viral Components of a Nonabortigenic Combination Vaccine for Prevention of Respiratory and Reproductive System Diseases in Cattle", <i>JAVMA</i> 194(9):1273-1280 (1989)	
		Corapi W.V. et al., "Characterization of a Panel of Monoclonal Antibodies and Their Use in the Study of the Antigenic Diversity of Bovine Viral Diarrhea Virus", <i>Am. J. Vet. Res.</i> 51(9):1388-1394 (1990)	
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		Larsson B. et al., "Bovine Virus Diarrhoea Virus Induces In Vitro a Proliferative Response of Peripheral Blood Mononuclear Cells from Cattle Immunized by Infection", <i>Veterinary Microbiology</i> 31:317-325 (1992)	
		Baker J.C. et al., "Bovine Viral Diarrhea Virus", <i>The Veterinary Clinics of North America-Food Animal Practice</i> 11(3):615-625 (1995)	
		Fulton R.W. et al., "Antibody Responses by Cattle after Vaccination with Commercial Viral Vaccines Containing Bovine Herpesvirus-1, Bovine Viral Diarrhea Virus, Parainfluenza-3 Virus, and Bovine Respiratory Syncytial Virus Immunogens and Subsequent Revaccination at Day 140", <i>Vaccine</i> 13(8):725-733 (1995)	
		Cortese V.S. et al., "BVD Virus Transmission Following Attenuated Vaccines to BVDV Seronegative Cattle", <i>Large Animal Practice</i> 18(5):18-24 (1997)	
		Lambot M. et al., "Characterization of the Immune Response of Cattle Against Non-Cytopathic and Cytopathic Biotypes of Bovine Viral Diarrhoea Virus", <i>Journal of General Virology</i> 78:1041-1047 (1997)	
		Beer M. et al., "Cytotoxic T-Lymphocyte Responses in Cattle Infected with Bovine Viral Diarrhea Virus", <i>Veterinary Microbiology</i> 58:9-22 (1997)	
		Flores E.F. et al., "Clinical, Pathological and Antigenic Aspects of Bovine Viral Diarrhea Virus (BVDV) Type 2 Isolates Identified in Brazil", <i>Veterinary Microbiology</i> 77:175-183 (2000)	
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